

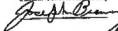
HOUSING AUTHORITY OF THE CITY OF NEWARK
 RESOLUTION NO. H-09-01-27-08 **TRUE COPY**

Ex. 5

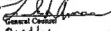
TITLE: RESOLUTION AUTHORIZING THE DESIGNATION OF TONY GOMES CONSTRUCTION CO., INC., NEWARK, NEW JERSEY, AS DEVELOPER OF PROJECT NJ39-602-049, WHICH CONSISTS OF 88 UNITS OF TOWNHOUSES TO BE DEVELOPED BY THE TURNKEY METHOD, IN THE TOTAL AMOUNT OF \$14,955,000, AND THE SUBMISSION OF A PEA PROPOSAL TO HUD.

Factual Content certified by

Approved for Legality based on facts stated:



Commissioner



General Counsel

Bradley



Contracting Officer

submitted the following resolution.

WHEREAS, the Housing Authority of the City of Newark, on October 30, and November 1, 6 and 8 2002, publicly solicited Requests for Proposals (RFP's) in the local and ethnic newspaper for the construction of Project NJ39-P002-049, consisting of 88 townhouse units, by the turnkey method, and

WHEREAS, Proposals were received on January 22, 2003, and resubmissions were received on April 14 and June 10, 2003 from Century 21 Construction Company, Clifton NJ; Claremont Construction Company, Far Hills, NJ; and Tony Gomes Construction, Co., Inc. - a proposal was received from Edmond Development Co. but this company did not respond to the requests for resubmission; and

WHEREAS, a panel setup by the Authority, Tistman/Evanbow Architects and Engineers, and Barbera & Barbera, CPA reviewed all proposals; and

WHEREAS, the panel originally recommended the designation of Claremont Construction Company, which was approved by Resolution H 03-09-25-24; and

WHEREAS, due to a misunderstanding as to Claremont's price, said designation was rescinded by Resolution 03-11-20-02; and

WHEREAS, the Authority has contacted each of the developers that responded to the request for resubmission to confirm their prices; and

WHEREAS, after review of the reconfirmed prices, it was determined that Claremont's price was actually \$16,356,279 rather than \$15,281,279, and

WHEREAS, Section 6-44 of the HUD Handbook 7417.1 Rev. 1, governing the selection of turnkey developers, permits the Authority to disqualify the highest evaluated proposers, if they receive scores of zero for any one evaluation criteria; and

WHEREAS, when the evaluation factors were recalculated based on the correct price, it was determined that Claremont should have received zero evaluation points for price; and

WHEREAS, the Authority had previously exercised its discretion to disqualify Century 21 Development Company due to the fact that it received zero evaluation points for price; and

WHEREAS, the Authority has decided to exercise its discretion to disqualify Claremont Construction Company due to the fact that it received zero evaluation points for price, and

WHEREAS, the Authority is selecting the lowest price proposal to affect cost savings and in the interest of economy and efficiency in light of the budgetary constraints that have impacted the Authority; and

WHEREAS, sufficient funds are available under the following budget lines: B50A-1460-000-0000-001-2500; C99K-2906-000-0000-249-8811; Z99K-2906-000-0000-000-2500; and A50V-1498-000-0000-250-2500; and

WHEREAS this designation is subject to HUD approval pursuant to the provisions of the HUD Handbook 7417.1, Rev. 1.

THE HOUSING AUTHORITY OF THE CITY OF NEWARK, THAT:

CERTIFIED
TRUE COPY

1. That pursuant to the provisions of Section 6-44 of the HUD Handbook 7417.1 Rev. 1, Tony Gomes Construction Company, Inc. is hereby designated the Developer of Project NJ39-P002-049 by the turnkey method of construction, in the amount of \$14,055,000.
2. That the submission of a PHA Proposal to HUD for this designation is authorized.
3. That the execution of a Preliminary Memorandum of Understanding, Turnkey Contract of Sale, Ground Lease, Deeds, Affidavits of Title, Fee Mortgage, Releases and such other documents that the General Counsel deems necessary and appropriate to implement the foregoing Project is hereby authorized.
4. That the execution of a contract is contingent upon the Developer demonstrating the appropriate construction financing for the Project.
5. That the Authority is authorized to execute a contract with the Developer arising from this designation (including a preliminary Memorandum of Agreement) contingent upon the fulfillment of the following:
 - a. The Developer satisfying all conditions set forth in the Request for Proposal, including addenda thereto, and as required by the Authority and HUD.
 - b. The Developer providing complete and correct construction documentation, in a timely manner, at its expense, as required by HUD.
 - c. The Developer executing a Turnkey Contract of Sale pursuant to the HUD approved contract forms, and such other necessary documents within 15 days of the date HUD gives the Authority notice of its approval of the contract documents.
 - d. The Developer executing a commitment to comply with all Minority Business and Development Enterprise subcontracting and Section 3 requirements of the Authority and HUD.
6. That this commitment is conditioned upon approval of a PHA Proposal to be submitted to HUD pursuant to HUD Handbook 7417.1 Rev 1 and the availability of funds from HUD.
7. That this resolution shall take effect immediately.

Commissioner Aduato seconded the motion.
 BOARD OF COMMISSIONERS VOTE OF FINAL PASSAGE

COMMISSIONERS	AYE	NAY	AB	NV	COMMISSIONERS	AYE	NAY	AB	NV
SMITH	X				BRADLEY	X			
CLARK			X		ROBINSON			X	
CARTWRIGHT	X								
ADUBATO	X								

I hereby certify that the above resolution was accepted at the Board of Commissioners Meeting of the Housing Authority of the City of Newark, on 1/22/07


 Secretary/Executive Director